

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT CATONE,

Defendant.

CASE NO. 2:22-cr-00201-LK

ORDER GRANTING MOTION  
FOR SCHEDULING ORDER TO  
GOVERN A THIRD-PARTY  
CLAIM

This matter comes before the Court on the Government's Motion for Scheduling Order to Govern a Third-Party Claim. Dkt. No. 44. The Government requests that the Court issue a scheduling order governing ancillary proceedings arising from Vicente Cruz's claim to property that has been preliminarily forfeited in this case. *Id.* at 1; *see also* Dkt. No. 35 (preliminary order of forfeiture); Dkt. No. 43 at 1–2, 5 (Government's notice of receipt of third-party claim and Mr. Cruz's claim). Defendant Robert Catone has not responded to the motion.

Courts may permit discovery and entertain motions related to a third-party claim pursuant to Federal Rule of Criminal Procedure 32.2(c)(1). To the extent an evidentiary hearing on a third-

1 party claim is required, courts conduct those hearings pursuant to 21 U.S.C. § 853(n)(2) and (4)–  
2 (6).

3 The Court, having reviewed the Government’s Motion, Dkt. No. 44, as well as the other  
4 papers and pleadings filed in this matter, including Mr. Cruz’s claim, Dkt. No. 43, hereby finds  
5 entry of an order setting a discovery schedule and a motions deadline is appropriate.

6 NOW, THEREFORE, THE COURT ORDERS:

7 1) The Government’s Motion, Dkt. No. 44, is granted;

8 2) The Government and Vicente Cruz (collectively, the “Parties”) may engage in discovery  
9 related to the identified petition. The discovery period closes on May 1, 2024;

10 3) Thereafter, the Parties shall file any dispositive motions no later than June 30, 2024; and

11 4) If necessary, an evidentiary hearing will be scheduled and held after resolution of  
12 dispositive motions.

13 6) The United States shall serve this Order on Vicente Cruz via certified mail and file proof  
14 of service with the Court no later than February 6, 2024.

15 The Court also notifies Mr. Cruz that to file motions, responsive briefing, or other  
16 appropriate submissions with the Court, he may either (1) mail them to the Court at U.S. District  
17 Court, 700 Stewart Street, Seattle, WA, 98101 with the case number for this case (2:22-cr-201-  
18 LK) on all documents, or (2) sign up to file electronically by contacting the CM/ECF Support  
19 Team and following their instructions. Mr. Cruz can reach the CM/ECF Support Team by phone  
20 at (206) 370-8440, option#2 or by email at cmecf@wawd.uscourts.gov.

21 Dated this 23rd day of January, 2024.

22 

23 Lauren King  
24 United States District Judge